

**From:** [Keaney, Kevin](#)  
**To:** [Bradbury, Steven](#); [Jordan, William](#)  
**Subject:** Serious Breach by OCHP ---- re: Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment  
**Date:** Tuesday, September 10, 2013 11:22:33 AM

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#### A serious breach by Michael Firestone - OCHP

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**From:** Davis, Kathy  
**Sent:** Monday, September 09, 2013 4:16 PM  
**To:** Keaney, Kevin; Arling, Michelle; Evans, Jeff; Kasai, Jeanne; Nelsen, Ashley; Pont, Richard; Schroeder, Carolyn  
**Subject:** FW: Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment

FYI. Note that Michael sent it to non-EPA people.

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**From:** Davis, Kathy  
**Sent:** Monday, September 09, 2013 4:12 PM  
**To:** Firestone, Michael; Foos, Brenda; Mosby, Jackie; Berger, Martha  
**Subject:** RE: Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment

Thanks, everyone, for your concern. First, I need to point out that the rule must not be shared, at this point, beyond the federal government. Until it is published for notice and comment EPA is not at liberty to release, cite, or disclose the details of the proposals.

It's also important that you know that establishing a minimum age is not the only protection that is available for adolescent workers. Among others, we are proposing to require improved pesticide safety training, strengthen posting of treated areas under an REI and provide notification, and for handlers wearing respirators, require OSHA like protections. We are establishing requirements for hazard communications, requiring additional safety posters to remind workers and handlers to observe the hygienic practices necessary to minimize their exposure, improve protection from spray drift, and plan to better protect employees of crop advisors.

Finally, to give some tools to enforcement so these protections are, indeed, implemented, we propose to require recordkeeping.

In the NPRM, we will be asking for comment on the proposed minimum age and the alternate of 18, and will encourage CHPAC to provide support for their preferred option during the public comment period

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**From:** Sathyanarayana, Sheela [<mailto:sheela.sathyanarayana@seattlechildrens.org>]  
**Sent:** Monday, September 09, 2013 3:33 PM  
**To:** [Pamela.Shubat@state.mn.us](mailto:Pamela.Shubat@state.mn.us); Firestone, Michael; Foos, Brenda; Mosby, Jackie; Berger, Martha  
**Cc:** Davis, Kathy  
**Subject:** RE: Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment

I agree with Pam. I think that CHPAC members would want to know about and discuss this.

- Sheela

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**From:** Shubat, Pamela (MDH) [<mailto:pamela.shubat@state.mn.us>]  
**Sent:** Monday, September 09, 2013 12:31 PM  
**To:** Firestone, Michael; Foos, Brenda; Mosby, Jackie; Berger, Martha; Sathyanarayana, Sheela  
**Cc:** Davis, Kathy  
**Subject:** RE: Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment

Thank you, Michael, for bringing this to CHPAC's attention.

I am sure that CHPAC members will be concerned that the CHPAC letter might be interpreted as a recommendation that age 16 is a bright line at which additional protections are not needed.

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**From:** Firestone, Michael [<mailto:Firestone.Michael@epa.gov>]  
**Sent:** Monday, September 09, 2013 1:22 PM  
**To:** Foos, Brenda; Mosby, Jackie; Berger, Martha; Shubat, Pamela (MDH)  
**Cc:** Davis, Kathy  
**Subject:** Important change in Pesticide Worker Protection Standard (WPS) proposal as a result of mandatory USDA review & comment

All

I was just informed by OPP's WPS Reg Team Lead Kathy Davis that as a result of mandatory USDA review of EPA's soon-to-be released Draft WPS revision, the OCSPP AA may a unilateral decision to change a mandatory age restriction for applying pesticides from 18 years old down to 16 years old. This does not apply to farm family children for whom there is no restriction.

Kathy told me that part of the justification was a recommendation in a November 15, 2005 CHPAC letter to EPA:

Recommendation A4 (page 2).Protecting Young Farmworkers:

Reducing Exposures While Mixing, Loading and Applying: Under current policy, farmworkers must be at least 16 to mix, load and apply toxicity category I and II pesticides. However, some categories III or IV pesticides have been associated with long-term health effects, including cancer or adverse reproductive effects. In 2000, the National Institute of Occupational Safety and Health recommended that the Secretary of Labor designate all pesticide handling activities as "hazardous" in order to prevent farmworker children **under age 16** from engaging in such activities. **We recommend that the EPA adopt this NIOSH recommendation.** Because growth and development of many organ systems continues into late adolescence, we hope that EPA, with its fellow agencies, also will develop ways to enhance protection for the 16-20 year old age group.

OPP was concerned that without the age change, the revised WPS drfat might never see the light of day.

CHPAC could re-evaluate and/or clarify recommendations from 2005 and provide additional review/comment when the draft is released for public comment following OMB review expected for this October.

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